

Representative ,

I am writing to you to ask you to support bill #136 regarding new regulation for the use of dogs to blood trail wounded game which comes before the committee tomorrow afternoon. I had the privilege to testify before the Senate fish and game committee as asked to do so by Senator Balyeat who is the sponsor of the bill. I regret that I will not be able testify before the House committee tomorrow due to work obligations as an employee with the Department of Homeland Security. The following is a written copy of my testimony before the senate committee. I thank you for your time in this matter and hope that you will support this bill.

As a brief description of my hunting resume: I have hunted for thirteen years and have taken numerous big game animals with bow, rifle, shotgun, and muzzleloader. I have hunted in a variety of states and feel privileged to be able to live and hunt in Montana . I have never guided for an outfitter, but I have guided friends and family to harvest animals, also taken with bow, muzzleloader, and rifle. I have seen dozens upon dozens of recoveries on animals over the years as well as some that were never recovered due to lack of sufficient sign and despite all our best efforts these animals went to waste.

Unfortunately that is a scenario that will inevitably happen to every hunter if they hunt long enough, even to the most accomplished individuals. No matter how much practice and preparation a person puts in, branches, wind, animals taking a step at the time of the shot, and the angle the animal is standing, all play a part in causing an animal to become wounded and sometimes impossible for the hunter to find. There are also many instances some that I have even experienced myself where the shot on the animal was perfect, but do to the way that the projectile entered at the time of impact, there was barely any visible sign to follow, and hardly enough to find the downed animal. A great deal of these situations could have had a happy ending with the use of a leashed tracking dog to aid with the recovery.

In Montana, hunting is a favored tradition as well as a way for some to make a living. As stewards of conservation it is our responsibility and duty to ensure that as little game as possible is wasted. Many of these situations are played out by the hunter wounding the animal, searching for it and when it is not found, continuing to hunt and eventually killing another animal. In this case two animals are killed and one is gone completely to waste. In all actuality someone does get to enjoy the wounded animal. The coyotes, crows, raccoons, and wolves. In this part of the country there are many times when an animal is wounded, and left for a few hours until it expires, and by the time the hunter finds the deer or elk, all he has is the leftovers from the coyotes or the wolves. The point I make, is that dogs do recover wounded game, just not the right ones. Would it not be a better solution to allow leashed dogs that are trained, to follow the trail and find the animal before it goes to waste?

Based on my experience as well as research I have conducted, I know that there are many situations of this nature that could be avoided if the use of leashed blood trailing dogs were allowed in the state of Montana . After seeing the advantage and avoidance of wasted game, close to twenty other states in recent years have changed their laws to allow for the provision of leashed trailing dogs to aid in the recovery of game. I am by no means saying that Montana needs to be "like other states", but that this activity is being utilized throughout the country with excellent results, and to my knowledge very little problems.

Author John Jeanenney has written an extensive book called " Blood Trailing Dogs for Wounded Deer" which deals with every aspect of using a dog to blood trail wounded game. Mr. Jeanenney is a retired history professor who has used dogs to blood trail over 800 wounded deer, and was the first to introduce legislation in the U.S. for the use of leashed dogs to recover wounded game. He has been doing this activity for over 30 years and in his book he shows some of the history behind the use of dogs to blood trail, including its origination in Europe where it has been practiced for literally hundreds of years. Through his influence there have been chapters set up in some states, where there are dedicated dog handlers who are on an on-call basis to help hunters retrieve deer that they have not been able to locate themselves. (Incidentally having talked to Mr. Jeanenney personally as well as he addresses in this his book, he believes based on his experience, that using a 30-50 foot leash is optimum even if not required, for many reasons, one of which is that the handler can better help the dog and gives the two of them a better connection. The concern of the dog getting tangled is almost never a problem as the leash will snake its way through the undergrowth, which is also why a longer leash is better.) The point that I am trying to make is that the use of dogs to locate wounded game is not an obscure and isolated activity, but an activity that has been put to practical application by many individuals who have been able to introduce similar legislation in their own states, some of which are not as prone to hunting as Montana is.

OVER

At this point I would like to say that dogs are used for many purposes in our society. They are used for serious affairs such as in law enforcement to detect drugs, bombs, and narcotics, as well as search and rescue dogs to locate stranded victims in the wilderness or possibly an avalanche. As hunters we commonly use dogs to locate and retrieve geese, ducks, and upland birds such as pheasants, quail, or grouse. Even in these types of hunting, without the aid of the dog, finding a downed bird in the dense undergrowth or prairie grass is sometimes next to impossible. Would it not also be reasonable to allow LEASHED dogs to search and locate wounded big game, especially in this state where the conservation of big game is of utmost concern.

I would like to briefly address some concerns that may arise from this legislation. Some may be worried that tracking dogs may run the deer or harass general wildlife. My first response to this is not a coyote or wolf much more of a harassment than one tracking dog? Also with this legislation the dog would be on a leash so it would be difficult for it to have the opportunity to run off and cause problems, as well as a trained dog knows to ignore all other scents and distractions and stay focused on the trail of the wounded animal. I also find it ironic that the concern of bird dogs running amuck and spooking game is never a concern, even though they are not on a leash as would be the case with a trailing dog.

Some may say that deer and dogs don't mix, but in this situation the dogs are brought in after an animal has been wounded to search and recover the game, and as I previously stated, if the dog has been trained well it knows to stay on point and be focused on the task. Another factor is that an outfitter or guide has much to lose if the game is spooked out of the area, but many outfitters and guides throughout the U.S. employ the use of a trailing dog to recover wounded game, and thereby prevent the waste of an animal.

Also of concern to some, is that some think that the having the dog as a back up may encourage hunters to take long or unethical shots. From what I have seen the folks who take the time to buy a good dog, thoroughly train it, and put in all the time and effort that goes with it, are usually the type of individuals who are ethical and responsible therefore the very reason for getting the dog to begin with. As previously stated, some states where blood trailing dogs have taken root, such as New York, there are organizations that have chapters with dedicated dog handlers that are on an on-call basis, and find many deer for other hunters every year that would otherwise never have been found. It is my opinion that if this legislation causes only 10 percent more animals per year to be found, then it is well worth it. Another factor of the equation is that in some cases the hunter is never sure if the animal just sustained a superficial, non-lethal hit, or died somewhere off in woods. (again an experience I myself have had the displeasure of going through) With the use of a tracking dog, one can usually verify the lethality of the hit and thereby determine if the animal is still alive or if it will be found. At the very least the hunters mind can be put to rest as to the outcome one way or the other.

Some have expressed the concern that people may use dogs, if tracking at night, as an opportunity to poach. I believe that individuals that are prone to violate the law by illegally poaching, don't need to use blood trailing dogs as an opportunity to do so. I would also like to point out that it is already legal to track an animal at night anyway, so if an individual is inclined to poach, the availability to do so at night is already there, as well as it would be much more difficult to have a dog in tow while doing so.

The last issue is that some within Fish and Wildlife have stated that it is already legal to use dogs to track here in Montana. First, if that is the case, then why is there a problem establishing a provision that makes the law distinct? Secondly, I have personally called fish and wildlife and talked with a game warden who informed me that it was not legal to use a dog to blood trail wounded game. So there is obviously not uniformity of opinion on this issue within their organization. Being a law enforcement officer myself, I firmly believe that when the law is black and white, it benefits both the law enforcement officer as well as the citizenry as there will be no grey area and it will not be left up to interpretation by either party.

When all is said and done, the main thing in approving this bill, is that more animals will be recovered, and less will go to waste. With conservation in mind I put forth my ideas to you all and hope that I have presented my case in manner that shows the value of approving this bill."

THANKYOU,  
Justin Byers 248-379-4161  
434 8th Ave SE  
Cut Bank Mt 59427

OVER  
→

Todd Baier <tbaier74@gmail.com>  
Add to Contacts

To: senbaies@wbaccess.net; joealyeat@yahoo.com; gbarkus@gmail.com; grt3177@smtel.com; blacks@3rivers.net; garybranae@gmail.com; brown.roy@bresnan.net; taylor@nothernbroadcasting.com; john@senatorjohn.net; cooneyemail@aol.com; aubyna@interbel.net; ron.senate@gmail.com; johnesp2001@yahoo.com;

Senator,

Please support SB 336 [SB135 now]. With the increasing prevalence of archery, black powder, and long range hunting and the diminishing field craft of the average hunter, the blood tracking dog would aid in the recovery of many big game animals. We use dogs to pursue upland game and waterfowl where they are considered an important conservation tool. I would shudder to think of the number of ducks, geese, pheasants, huns, and sharp tails we would have lost this year if not for the superb work of our dogs. This same talent could be employed under SB 336 to aid the hunter in conservation of big game species. I have lost two deer in my career as a big game hunter and nearly lost an elk. After my experience around bird dogs I believe that those deer would have been recovered with the aid of a blood tracking dog. This is anecdotal information to be sure, but I am equally positive that I am not in the minority of hunters. The language of SB 336 [135] limits the use of dogs with a 50' leash and I think protects the fair chase ideal of Montana big game hunting.

Thank you,  
Todd Baier  
Billings, MT

"Interesting enough, as I researched some data I discovered that, although specific conditions apply, a total of 17 states (mainly in the Southeast) and three Canadian provinces allow the use of dogs for tracking wounded deer. Considering that the loss of one wounded deer is one too many, the idea of allowing tracking dogs may warrant more investigation.

Searching the scientific literature I came across a South Carolina study conducted by Richard Morton to determine the efficiency of archery equipment in conjunction with tracking dogs. In his study, 22 experienced archers shot 61 deer (29 bucks, 29 does, 3 fawns). Twenty of the deer (32.8 percent) fell within sight of the hunters. If bow hunters didn't see their deer fall, the services of a trained tracking dog were utilized one hour after the shot. In total, 60 out of the 61 deer (98 percent) were found within 24 hours of being shot. The one deer that wasn't recovered was reportedly hit in a non-vital area. \*

Morton also found that most deer reacted to being shot by taking off with their tails down (72 percent) and left a blood trail (68 percent), blood spots (23 percent), rumen material (5 percent), bone fragments (2 percent), meat (1 percent), and hair (1 percent). The average distance traveled by a shot deer was 109 yards. Most deer were not spooked (96 percent) during the search. In fact, 95 percent of the harvested deer were found dead. It took an average of 30 minutes to recover a deer once the dogs were released and 95 percent were found within 4 hours.

Morton concluded, "Our results do confirm that archery hunting can be a highly efficient means of harvesting white-tailed deer when shot selection and shooting skills are emphasized and using trailing dogs is required as part of an organized management approach." \*

Another study in South Carolina by Charles Ruth, Deer Project Supervisor for the South Carolina DNR, also reflected the benefits of using trained dogs. Hunters in this study used rifles rather than bows. As in Morton's study, trained tracking dogs were brought in to recover animals that ran beyond the hunters' sight. A total of 493 deer were harvested - 305 bucks and 188 does. Ruth determined that trained trailing dogs deserved credit for the recovery of 15 to 20 percent of all those deer.

Both of these studies point out that dogs can be very beneficial and Morton's study once more prove the lethality of bow and arrows. The most obvious benefits in using dogs are in searching the woods for wounded deer when there is no blood or other signs to follow, or when conditions such as darkness; rain or snow; rough/dense terrain; or water/wetlands enter the picture."

C.J. Winand- Outdoor writer: an excerpt taken from [www.deersearch.org](http://www.deersearch.org)

To whom it may concern:

Last legislative session Senator Joe Balyeat introduced bill NO. 336 "An act authorizing the use of trained, controlled dogs to track wounded game animals; Amending section 87-3-124, MCA; and providing immediate effective date."

I supported this bill as I am and continue to remain in disgust of the amount of wounded and unrecovered big game animals. This happens primarily during the archery season. As a professional sportsman I feel it is my job to find any wounded animals. The benefits of this include recovering the meat of the lost animal before it has time to spoil. Most hunters that fail to recover a wounded animal simply continue to hunt, which results in potentially more animals wounded and lost. The use of controlled tracking dogs just makes common sense. Tracking dogs are used with great success in primarily eastern and southern states.

When Senator Balyeat introduced the bill I immediately lobbied for its passing. The Game Wardens Association opposed it, so I called the chief fish and game officer in Helena, who I know and respect and asked why the opposition. His primary reason for opposing it was that he said it was already legal! I exclaimed that it is the best kept secret in MT as most if not all wardens would not know that let alone the rank and file sportsmen! He assured me it was, so I preceded to ask what if questions. "If you were tracking a wounded big animal in big game season with a leashed dog can I carry either a firearm or a bow?" Answer was "absolutely." The next question was "if I was tracking the wounded animal with a leashed dog in a legal hunting season and IF that animal was not dead could I shoot over the top of that animal to collect the wounded animal?" The answer was "absolutely". At this point I agreed with the chief of law enforcement for the MDFWP. Why have a bill if it was already legal.

After hanging up with the chief law enforcement officer for the MDFWP, I immediately called our Region 3 warden captain and told him of my recent conversation. His response was "you heard it from the horse's mouth!" We then spoke of the common sense of carrying a firearm in either rifle or archery season while engaged in any leashed dog tracking efforts. "Who wants to be out on a blood trail of a mortally wounded animal without some sort of means of protection?" The Region 3 captain then went on to say "it was also your second amendment right to carry a firearm and protect yourself and they did not want to be in a position to oppose that!" I hung up the phone realizing common sense has prevailed and that it was now lawful to use a tracking dog under the restraints and with conditions we spoke about!

When the new 2010 MDFWP proclamations came out I eagerly looked in the regulations about the use of tracking dogs as, it was never previously mentioned. To my dismay the regulations say:

**DOGS**

*MCA 87-3-124 states that a person may not use dogs to hunt or chase game animals. Dogs may be utilized to recover or locate wounded big game but the hunter may not possess a bow or firearm while doing so.*

It is obvious that it is time to make a common sense bill that allows for the retrieval of wounded animals with the aid of a leashed dog. Hunters must be allowed to shoot over the top of wounded game and be able to carry a firearm to protect themselves from large predators like grizzly bears, black bears and wolves.

Rob Arnaud Outfitter and private land wildlife manager  
Montana Hunting Company  
412 Pronghorn Trail, Ste A  
Bozeman, MT 59718  
406-585-9051  
[rob@arnaudoutfitting.com](mailto:rob@arnaudoutfitting.com)

**From:** Scott Sales  
**Sent:** Tuesday, January 25, 2011 2:39 PM  
**To:** 'joebalyeat@yahoo.com'  
**Subject:** Using dogs to track wounded game

In the 2009 session Sen. Balyeat had a bill that would put into law that an individual had the right to use dogs to track and reduce to possession wounded game. The Dept. of FWP testified that we didn't need the law because it was already legal to do so. I helped to table the bill because I believed that it was better to possess a right than to have one granted by the State. I was assured by employees of FWP that the letter would be forthcoming that would clarify the use of dogs and that an individual would be able to carry a firearm in the pursuit of wounded game. Unfortunately the letter was never drafted and now I learn that FWP has written into the regulations that an individual can use a dog for purposes of retrieving game but cannot be armed. This hardly lives up to the deal that FWP made with myself and other members of the committee.

Thu, January 27, 2011 7:48:07 AM

SB 136

From: Vito Quatraro <vrq@lpamt.com>

[View Contact](#)

To: Art Wittich <senatorwittich@montana.com>; Brad Hamlett <wranglergallery@hotmail.com>; Debby Barrett <grt3177@smtel.com>; Greg Hinkle <ghinklesd7@gmail.com>; Joe Balyeat <joebalyeat@yahoo.com>; Larry Jent <larry@imt.net>; Steve Gallus <steve.gallus@gmail.com>... more

---

On behalf of Headwaters Sportsmen's Association, I would like to thank each of you for your work and efforts on SB 136. As originally drafted, it was a bill we could not support for various reasons. The final Amended Bill addressed our concerns and brings forth legislation that is beneficial to the families of Montana hunters who have relatives living out of state. Families hunting together is always a good thing. It was really heartening to see both Republicans and Democrats working together to create a good bill. We will support this bill in its current form as it moves forward.

Thank you again for your time and consideration on SB 136.

Vito Quatraro,  
President, Headwaters Sportsmen's Association



Governor Brian Schweitzer

*Montana*  
**Department of Labor and Industry**  
**Business Standards Division**

**MONTANA BOARD OF OUTFITTERS**

March 2, 2011

Chairman Ted Washburn  
House Fish, Wildlife and Parks Committee

Chairman Washburn and members of the House Fish, Wildlife and Parks Committee,

The Board was informed that the Department of Labor and Industry has requested an amendment to SB 133. The Board supports the requested amendment that would add Title 37 as an exception to the applicability of the privacy protections afforded by 87-2-106(13).

The Board regularly relies upon the information that would become inaccessible to the Board under SB 133 and requests that the Committee pass this bill only with the amendment as requested by the Department of Labor and Industry.

Thank you for considering the Board of Outfitter's positions with respect to this bill.

Respectfully,

  
Trudy Phippen  
Executive Director  
Montana Board of Outfitters